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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,719

11/13/2003

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9283

7590

06/29/2005

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EXAMINER

GREEN, BRIAN

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/712,719	Applicant(s) ASVADI, FARSHID H.	
	Examiner Brian K. Green	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sheet of electroluminescent material, the laminated layers, the inversion circuit, the power supply, the battery, the distinctive pattern, and the pouch defined in claims 1-20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because they fail to contain numerals and lead lines so it is not clear what elements (the elements defined in the specification) the part of the drawings

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represent. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: The specification fails to include a “Summary of the Invention” section. The applicant failed to label the elements with numerals which makes it difficult to determine which parts in the drawings correspond to the elements defined in the specification.

Appropriate correction is required.

Claim Objections

Claims 1-20 are objected to because of the following informalities: In claim 1, lines 5 and 7, claim 2, lines 5,7, and 11-12, and claim 3, lines 5 and 7, “the sheet” should be “the sheet

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of electroluminescent material” to be consistent. In claims 13-15, lines 1-2, “the electroluminescent” should be “the sheet of electroluminescent material” to be consistent.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 2,5,8,11,14, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, lines 11-12 are indefinite since it is not clear what the applicant means by the phrase “laminate material *are susceptible* of being rolled up into the shape of a scroll”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,4,6,13,15,16,18,19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Neufeld (U.S. Patent No. 4,195,431).

Neufeld shows in figures 1-5 a sheet of electroluminescent material (23), a laminate material (22,24), an inversion circuit (37,44,64), and a power supply/battery (31). In regard to claim 3, as

broadly defined, Neufeld shows all of the limitations defined in claim. The device can be immersed and the material used to make the device (plastic) is considered to be waterproof. In

regard to claims 13 and 15, the electroluminescent material of Neufeld is considered to be “capable of being formed or cut to assume a distinctive pattern”. In regard to claims 16 and 18,

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the pocket formed between laminate material (22,24). In regard to claims 19 and 20, Neufeld discloses in column 2, lines 63-68 the idea of making the laminate from a transparent or translucent material.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7,9,10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neufeld (U.S. Patent No. 4,195,431).

Neufeld discloses the applicant's basic inventive concept except for making the battery compartment in the form of a right cylinder. Neufeld shows in figures 1 and 3 that the battery compartment is in the shape of a half cylinder. It would have been an obvious matter of design choice to one having ordinary skill in the art to modify Neufeld by making the battery compartment in the shape of a right cylinder since the applicant fails to define any advantage of making the compartment in the shape of a right cylinder and the shape taught by Neufeld would work equally as well. Further, the court has ruled that a mere difference in shape is considered to be a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of device is significant, see *In re Daily*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). In regard to claims 10 and 12, Neufeld discloses the use of an inversion circuit (37,44,64) which appears to be within the compartment and further it is considered within one skilled in the art to place the circuit in any location as desired.

Claims 2,5,8,11,14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neufeld (U.S. Patent No. 4,195,431) in view of Field et al. (U.S. Patent No. 5,337,224).

Neufeld discloses the applicant's basic inventive concept except for making the sheet of electroluminescent material and laminate flexible/susceptible to be rolled up. Field et al. shows in figure 6 the idea of making the sheet of electroluminescent material flexible and capable of being rolled up. In view of the teachings of Field et al. it would have been obvious to one in the art to modify Neufeld by making the sheet of electroluminescent material and laminate flexible/susceptible to be rolled up since this would allow the device to be supported on curved surfaces as well as to make the device more durable, i.e. the device could be bent without breaking. In regard to claims 8 and 11, Neufeld discloses the applicant's basic inventive concept except for making the battery compartment in the form of a right cylinder. Neufeld shows in figures 1 and 3 that the battery compartment is in the shape of a half cylinder. It would have been an obvious matter of design choice to one having ordinary skill in the art to modify Neufeld by making the battery compartment in the shape of a right cylinder since the applicant fails to define any advantage of making the compartment in the shape of a right cylinder and the shape taught by Neufeld would work equally as well. Further, the court has ruled that a mere difference in shape is considered to be a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of device is significant, see *In re Daily*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). In regard to claim 11, Neufeld discloses the use of an inversion circuit (37,44,64) which appears to be within the compartment and further it is considered within one skilled in the art to place the circuit in

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any location as desired. In regard to claim 14, the electroluminescent material of Neufeld is considered to be “capable of being formed or cut to assume a distinctive pattern”. In regard to claim 17, the pocket formed between laminate material (22,24).

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field et al. (U.S. Patent No. 5,337,224) in view of Calamia et al. (U.S. Patent No. 4,999,936).

Field et al. shows in figures 1-6 a sheet of electroluminescent material (72-74), a laminate material (70,76), and a power supply/battery (80). Field does not disclose whether the device includes an inversion circuit. Calamia et al. shows in figure 2 a display device that includes an inversion circuit (46). In view of the teachings of Calamia et al. it would have been obvious to one in the art to modify Field et al. by providing an inversion circuit since this would allow the energy from the battery to be converted into a usable form to operate the electroluminescent sheet in a proper manner. In regard to claim 2, Field et al. shows in figure 2 the idea of making the electroluminescent material flexible. In regard to claim 3, as broadly defined, Calamia et al. in view of Calamia et al. shows all of the limitations defined in claim. The device can be immersed and the material used to make the device (plastic) is considered to be waterproof. In regard to claims 7-12, Field et al. discloses the applicant's basic inventive concept except for making the battery compartment in the form of a right cylinder. Field et al. shows in figure 2A that the battery compartment has a partial cylinder shape. It would have been an obvious matter of design choice to one having ordinary skill in the art to modify Field et al. by making the battery compartment in the shape of a right cylinder since the applicant fails to define any advantage of making the compartment in the shape of a right cylinder and the shape taught

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by Neufeld would work equally as well. Further, the court has ruled that a mere difference in shape is considered to be a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of device is significant, see *In re Daily*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). In regard to claims 10-12, it is considered within one skilled in the art to place the circuit in any location as desired, the most logical place being within the compartment. In regard to claims 13-15, the electroluminescent material of Field et al. is considered to be "capable of being formed or cut to assume a distinctive pattern".

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hoffman, Brotz, and Chien teach the use of displays that include electroluminescent material.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bkg
June 24, 2005


BRIAN K. GREEN
PRIMARY EXAMINER